

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL MEMORANDUM**

**SB 2109 – HB 2233**

May 19, 2009

**SUMMARY OF AMENDMENT (008234):** Deletes all language after the enacting clause and establishes the information that must be included in the prior written notice of a potential claim of medical malpractice and authorizes hand delivery and mailing options to satisfy the requirement of service of written notice. Extends from 90 to 120 days the applicable statutes of limitations and repose from the date of expiration applicable to the provider when prior notice is given pursuant to the provisions of the bill as amended. Authorizes providers to mail copies of medical records that are relevant to the claim with a cost statement or requesting payment for the copies prior to mailing the records. Requires the plaintiff to file a certificate of good faith with the complaint in any medical malpractice action in which expert testimony is required. If the certificate is not filed with the complaint, the complaint will be dismissed unless failure to file the certificate was due to a provider not providing medical records in a timely manner or demonstrated good cause.

**FISCAL IMPACT OF ORIGINAL BILL:**

State Expenditures – Net Impact – Not Significant

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions applied to amendment:

- A small increase in the administrative time needed for medical malpractice cases in the court system, which will result in additional state and local government expenditures for processing the cases.
- Extending the applicable statutes of limitations and repose from the date of expiration applicable to the provider when prior notice is given pursuant to the provisions of the bill as amended will increase the amount of time for cases in the court system and could result in an increase in expenditures.

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- There could be an increase in the number of cases that are dismissed due to not providing the proper notification or not filing the certificates of good faith with the initial filing of a claim instead of 90 days after filing a claim. Any increase in dismissed cases could result in a decrease in expenditures for the court system.
- The net impact on expenditures to the court system is estimated to be not significant and can be accommodated within the existing resources of the court system.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/kml